

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 13-10275-PBS
)
DAMIEN HESS)
)
Defendant.)
)
)

VERIFIED PETITION PURSUANT TO 21 U.S.C. § 853(n)

The Petitioner, HCS Holdings Inc. (“HCS”), hereby petitions this Court, pursuant to 18 U.S.C. § 982(b), 21 U.S.C. § 853(n), and Federal Rule of Criminal Procedure 32.2, for a hearing to adjudicate HCS’s interest in the properties subject to forfeiture under this Court’s February 4, 2015 Preliminary Order of Forfeiture.

In support of this Petition, HCS sets forth the following facts detailing the nature and extent of its right, title and/or interest in the subject properties, the time and circumstances of its acquisition of such right, title and/or interest in the properties, and other facts to support its claim:

1. HCS holds an interest in the following properties subject to forfeiture:
 - a. One black 2010 Buick Enclave bearing California registration number 6MND710 and vehicle identification number 5GALVCEDIAJ212575;
 - b. One black 2009 Hummer bearing California registration number 6KXX234 and vehicle identification number 5GRGN83239H100294;
 - c. One black 2010 Cadillac Escalade bearing California registration number 6LRS176 and vehicle identification number 1GYUKDEF7AR202874;
 - d. One black 2010 Chevrolet Camaro bearing California registration number 6TVN113 and vehicle identification number 2GIFTIEWXA 9187106.

2. HCS purchased these four vehicles from Quest Corporation in arms-length transactions on or around May 2, 2012.
3. Defendant, Damien Hess, was the Chief Executive Officer of Quest Corporation and has no affiliation with HCS.
4. HCS is a bona fide purchaser for value and has the legal right, title, and/or interest in the above-described vehicles.
5. HCS has the bills of sale and receipts for all four vehicles showing that HCS paid a total of \$80,000 for all four vehicles.
6. The \$80,000 used to purchase the vehicles was contributed by Paula Ray, HCS's President. Approximately \$69,000 of the funds resulted from the sale of inherited real property by Ms. Ray in 2011. The remaining \$11,000 was from Ms. Ray's personal funds.
7. Neither Defendant Damien Hess nor Quest Corporation has any connection to, or interest in, the real property or personal funds described in paragraph 6, above.
8. Neither HCS nor its President, Ms. Ray, had any knowledge of fraud or wrongdoing by Damien Hess or Quest Corporation at the time of the arms-length transaction to purchase the vehicles.
9. Petitioner is prepared to present documents proving HCS's interest in the subject properties.
10. Paula Ray filed a notice of claim with the Federal Bureau of Investigation with respect to three of these vehicles on February 24, 2014. She did not receive notice that the fourth vehicle was then subject to forfeiture. The FBI acknowledged these notices on March 10, 2014 and stated that the matter would be referred to the United States Attorney's Office in Los Angeles.

11. Paula Ray received actual notice of the Court's Preliminary Order of Forfeiture on March 13, 2015.

WHEREFORE, Petitioner requests that the Court conduct a hearing, determine the validity of the Petitioner's claim, and amend the order of forfeiture as necessary to reflect the Petitioner's interest.

Respectfully submitted,
/s/ Lauren A. Gruber
William J. Lovett (BBO #643525)
wlovett@collorallp.com
Lauren A. Gruber (BBO #679226)
lgruber@collorallp.com
Collora LLP
100 High Street, 20th Floor
Boston, MA 02110
(617) 371-1000

Dated: April 13, 2015

VERIFICATION

I, Mark Henson, am Director of HCS Holdings Inc. and am authorized to make this verification on its behalf. I have reviewed the foregoing Petition Pursuant to 21 U.S.C. § 853(n). I am informed and believe that the matters as stated herein are true. I declare under penalty of perjury that the foregoing is true and correct.



Mark Henson
On behalf of HCS Holdings Inc.

Dated: April 13, 2015

CERTIFICATE OF SERVICE

I, Lauren A. Graber, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be send to those indicated as non-registered participants on April 13, 2015.

/s/ Lauren A. Graber
Lauren A. Graber, Esq.